

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 69942

Dora G. Taylor
Ruth Marie Mayo
7836 Eastdale Road
Baltimore, MD 21224

7835 Baltimore Street

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 10, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 408B, failure to cease the illegal use of the property as a rooming boarding house on residential property known as 7825 Baltimore Street, 21224.

On December 2, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ray Harmon issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Ruth Marie Mayo, Respondent and Mark Giordani, Respondent's Grandson and Ray Harmon, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 22, 2009 for illegal rooming/boarding house, remove all trash and debris, cease rat infestation. This Citation was issued on December 2, 2009.

B. Inspector Ray Harmon testified that the trash and rat infestation violations were corrected and the only remaining issue is the rooming/boarding house citation. He testified that Respondent Ruth Mayo returned the County's Interrogatories and that the house is divided into two apartments. In November he spoke with Ms. Mayo's grandson, Mark Giordani, who said he manages the property and needed time to move the tenants. Ms. Mayo then retained an attorney, Mr. Arnold Politzer, who requested a postponement. There are five adults living in the house, and two are married.

C. Respondent's attorney, Arnold Politzer, stated that the property has been in Ms. Mayo's family since 1950 and that until Dora Taylor passed away, she lived on the first floor and rented the upstairs. Mrs. Taylor died five years ago and a married couple rented her first floor apartment. Two of the tenants have lived in the house for 40 years. He stated that Ms. Mayo will make application for conversion to two apartments, and further stated that she has applied for a Rental Housing License.

D. Baltimore County's zoning regulations restrict the number of unrelated adults who can occupy a house for compensation. Because this is not the owner's domicile, the house can only be occupied by two unrelated adults absent a permit for a boarding- or rooming-house. BCZR Section 101.1; Section 408B. Based on the evidence presented, an illegal boardinghouse with more than two tenants has been operating at this location.

E. Because compliance is the goal of code enforcement, and Respondent is taking steps to obtain proper apartment conversion and there is no evidence of disruption or disturbance to the neighborhood, this Order will give additional time for correction.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by July 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 2nd day of April 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.